

13CR607

The Honorable Judge Bianco  
U.S. District Courthouse – EDNY  
100 Federal Plaza  
Central Islip New York 11722

June 5, 2019

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JUN 17 2019 ★

LONG ISLAND OFFICE

Judge Bianco:

I am requesting -- as a result of newly discovered evidence -- that the Court order the service of the attached Request for Admissions ("RFA") to the attorney for most of the CSL Properties, LLC investors in the Diamante Cabo san Lucas project; Steve Main. In 2017, the investors' current attorney made a resolved claim to his clients about the thorough investigations by the FBI, the U.S. attorney's office and others related to Ken Jowdy. His email except, *infra*, confirmed to the investors that Jowdy had been dismissed and cleared as a potential fraudster related to their business dealings with Jowdy since 2002 – based on exhaustive investigations of all things Jowdy.

This statement contradicts thousands of pages of real evidence in the government's possession -- and in front of the court at this time. Nevertheless, the 2017 positive confirmation by the attorney has significant ramifications on the trial verdict confidence, and the subsequent settlement arrangement that many of the investors signed off with Jowdy after the February 20, 2017 mis-informed declaration:

*"Finally for those of you who are convinced that Jowdy is guilty of some crime... I simply note that the circumstances surrounding the Diamante del Mar project and the Cabo project (and the relationship between Kenner and Jowdy) has been exhaustively investigated over several years by the FBI, SEC and the U.S. Attorney of the EDNY."*

As the Court is aware, AUSA O'Connell wholeheartedly refuted this misleading pronouncement to the investors during open court on May 14, 2019 during Q&A (See May 14, 2019 hearing transcripts at 37):

*The Court: Are you concerned with how the property is being managed at this point, I mean just in terms of maintaining status quo?*

*AUSA O'Connell: Your Honor, the government does have certain concerns that its being run by Jowdy, who is someone that the government feels is an unindicted co-conspirator.*

As a result, I am requesting the Court serve the attached RFA on Steve Main to determine if additional discovery &/or testimony is necessary during the upcoming Fatico hearing or otherwise prior to sentencing.

I remain, respectfully yours, Phil Kenner

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EDNY PRO SE OFFICE

**Requests for Admissions**

**Information**

Steve Main declared via email to the Hawai'i-Mexico investors, February 20, 2017:

*"Finally for those of you who are convinced that Jowdy is guilty of some crime... I simply note that the circumstances surrounding the Diamante del Mar project and the Cabo project (and the relationship between Kenner and Jowdy) has been exhaustively investigated over several years by the FBI, SEC and the U.S. Attorney of the EDNY."*

**ADMIT or DENY**

I have been in communication with the FBI, the U.S. attorneys office &/or any other individuals involved in the prosecution of the *USA v. Kenner* case since the 2015 verdict.

ADMIT or DENY: \_\_\_\_\_

During any communication, I have been told that Mr. Kenner was convicted of stealing funds from the Hawai'i project as the source of his Diamante Cabo san Lucas equity thru his Baja Ventures 2006, LLC.

ADMIT or DENY: \_\_\_\_\_

I have independently determined thru my own research and information that Mr. Kenner stole funds from the Hawai'i project as the source of his Diamante Cabo san Lucas equity thru his Baja Ventures 2006, LLC.

ADMIT or DENY: \_\_\_\_\_

As a result of my government-only procured knowledge of the Kenner conviction, my February 20, 2017 email to my legal clients confirmed the FBI, the U.S. Attorneys Office &/or any other related government officials Jowdy confirmed Jowdy was not a criminally involved party.

ADMIT or DENY: \_\_\_\_\_

As a result of my independent-only procured knowledge of the Kenner conviction, my February 20, 2017 email to my legal clients confirmed the FBI, the U.S. Attorneys Office &/or any other related government officials Jowdy confirmed Jowdy was not a criminally involved party.

ADMIT or DENY: \_\_\_\_\_

As a result of both my government and independent procured knowledge of the Kenner conviction, my February 20, 2017 email to my legal clients confirmed the FBI, the U.S. Attorneys Office &/or any other related government officials Jowdy confirmed Jowdy was not a criminally involved party.

ADMIT or DENY: \_\_\_\_\_

I have been in communication with Ken Jowdy &/or people representing Ken Jowdy in the Diamante Cabo san Lucas project while determining that Jowdy is an innocent victim of the issues related to the funding and management of the Diamante Cabo san Lucas project since 2005.

ADMIT or DENY: \_\_\_\_\_

During my communication with Jowdy &/or his representatives, it has been explained to me by any one of them that Kenner stole the capital account deposit funds for his Baja Ventures 2006, LLC.

ADMIT or DENY: \_\_\_\_\_

During my communication with any U.S. Government representative, it has been explained to me by any one of them that Kenner stole the capital account deposit funds for his Baja Ventures 2006, LLC.

ADMIT or DENY: \_\_\_\_\_

As a result of any communication with any U.S. Government representative or Jowdy's representatives, I have informed my legal clients (related to this case) that only Kenner has defrauded them related to the Mexico project thru some scheme or artifice.

ADMIT or DENY: \_\_\_\_\_

As a result of any communication with any U.S. Government representative or Jowdy's representatives, I have informed my legal clients (related to this case) that Kenner stole their funds (or any related funds) thru some scheme or artifice.

ADMIT or DENY: \_\_\_\_\_